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8 **BEFORE THE**  
**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. AL2009-84

12 **ANJULI DILLON KELLEY,**  
13 **a.k.a. ANJULI D. KELLEY**  
14 **405 Piezzi Road**  
15 **Santa Rosa, CA 95401**

**STATEMENT OF ISSUES**

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Heather Martin ("Complainant") brings this Statement of Issues solely in her official  
19 capacity as the Executive Officer of the California Board of Occupational Therapy ("Board"),  
20 Department of Consumer Affairs.

21 2. On or about October 5, 2009, the Board received an application for an occupational  
22 therapist license from Anjuli Dillon Kelley, also known as Anjuli D. Kelley ("Respondent"). On  
23 or about September 28, 2009, Respondent certified under penalty of perjury to the truthfulness of  
24 all statements, answers, and representations in the application. The Board denied the application  
25 on December 16, 2009.

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## STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2570.26, subdivision (a), states that "[t]he board may, after a hearing, deny, suspend, revoke, or place on probation a license, certificate, inactive license, inactive certificate, or limited permit".

4. Code section 2570.27, subdivision (b), states that "[t]he board may issue an initial license on probation, with specific terms and conditions, to any applicant who has violated any provision of this chapter or the regulations adopted pursuant to it, but who has met all other requirements for licensure."

5. Code section 2570.28 states, in pertinent part:

The board may deny or discipline a licensee for any of the following:

(a) Unprofessional conduct . . .

. . . .

(e) Conviction of a crime or of any offense substantially related to the qualifications, functions, or duties of a licensee, in which event the record of the conviction shall be conclusive evidence thereof . . .

6. Code section 2570.29 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . . .

(b) Use to an extent or in a manner dangerous or injurious to himself or herself, to any other person, or to the public, or that impairs his or her ability to conduct with safety to the public the practice authorized by his or her license; of any of the following:

. . . .

(3) Alcoholic beverages.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof . . .

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1           7.       Code section 480 states, in pertinent part:

2                   (a) A board may deny a license regulated by this code on the grounds that  
3                   the applicant has one of the following:

4                   (1) Been convicted of a crime. A conviction within the meaning of this  
5                   section means a plea or verdict of guilty or a conviction following a plea of nolo  
6                   contendere. Any action which a board is permitted to take following the  
7                   establishment of a conviction may be taken when the time for appeal has elapsed, or  
8                   the judgment of conviction has been affirmed on appeal, or when an order granting  
9                   probation is made suspending the imposition of sentence, irrespective of a subsequent  
10                  order under the provisions of Section 1203.4 of the Penal Code.

11                  (3)(A) Done any act that if done by a licentiate of the business or  
12                  profession in question, would be grounds for suspension or revocation of license.

13                  (B) The board may deny a license pursuant to this subdivision only if the  
14                  crime or act is substantially related to the qualifications, functions, or duties of the  
15                  business or profession for which application is made . . .

16                                   **FIRST CAUSE FOR DENIAL**

17                                   **(Criminal Convictions)**

18           8.       Respondent's application for an occupational therapist license is subject to denial  
19           pursuant to Code sections 2570.28, subdivision (e), 480, subdivision (a)(1), and 480, subdivision  
20           (a)(3)(A), in that Respondent was convicted of crimes which are substantially related to the  
21           qualifications, functions, or duties of an occupational therapist, as follows:

22           a.       On or about June 22, 2004, in the criminal proceeding titled *People v. Anjuli Dillon*  
23           *Kelley* (Super. Ct. Sonoma County, 2004, Case No. TCR-438029), Respondent was convicted by  
24           the court on her plea of nolo contendere to violating Vehicle Code section 23152, subdivision (a)  
25           (driving under the influence of alcohol, a misdemeanor). The imposition of Respondent's  
26           sentence was suspended and Respondent was placed on probation for 36 months on terms and  
27           conditions, including that Respondent obey all laws and not drive with any alcohol in her system.  
28           The incident on which Respondent's conviction is based occurred on or about March 23, 2004.

29           b.       On or about June 25, 2007, in the criminal proceeding titled *People v. Anjuli Dillon*  
30           *Kelley* (Super. Ct. Sonoma County, 2007, Case No. SCR-513910), Respondent was convicted by  
31           the court on her plea of nolo contendere to violating Vehicle Code section 23152, subdivision (b)  
32           (driving a motor vehicle while having a blood alcohol level of 0.08 percent or more, a

1 misdemeanor). The imposition of Respondent's sentence was suspended and Respondent was  
2 placed on probation for 36 months on terms and conditions. The circumstances of the crime are  
3 as follows: On or about June 3, 2007, officers with the California Highway Patrol initiated an  
4 enforcement stop after observing a 2002 Toyota sedan driving unsafely on US-101 and SR-12.  
5 One of the officers made contact Respondent, who was driving the vehicle. The officer could  
6 smell an odor of an alcoholic beverage emitting from within the vehicle and noticed that  
7 Respondent's eyes were red and watery and her speech was slurred. The officer asked  
8 Respondent how many alcoholic beverages she consumed. Respondent stated that she drank 2  
9 beers. The officer conducted field sobriety tests ("FST") and determined based on Respondent's  
10 objective symptoms of intoxication and poor performance on the FST's that she was driving under  
11 the influence of alcohol. The officer arrested Respondent and found through a DMV check that  
12 Respondent was on court probation for a previous DUI conviction. The officer transported  
13 Respondent to the Sonoma County jail where she agreed to submit to a breath test. The results of  
14 the breath test were .19/.18 percent.

### 15 SECOND CAUSE FOR DENIAL

16 (Use of Alcoholic Beverages to an Extent or in a Manner

17 Dangerous or Injurious to Oneself and Others)

18 9. Respondent's application for an occupational therapist license is subject to denial  
19 pursuant to Code sections 480, subdivision (a)(3)(A), and 2570.28, subdivision (a), on the  
20 grounds of unprofessional conduct, as defined in Code section 2570.29, subdivision (b)(3), in that  
21 on or about March 23, 2004, and June 3, 2007, Respondent consumed alcoholic beverages  
22 to an extent or in a manner dangerous or injurious to herself and others, as set forth in paragraph 8  
23 above.

### 24 THIRD CAUSE FOR DENIAL

25 (Convictions of Criminal Offenses Involving the Consumption of Alcoholic Beverages)

26 10. Respondent's application for an occupational therapist license is subject to denial  
27 pursuant to Code sections 480, subdivision (a)(3)(A), and 2570.28, subdivision (a), on the  
28 grounds of unprofessional conduct, as defined in Code section 2570.29, subdivision (c), as

1 follows: On or about June 22, 2004, and June 25, 2007, Respondent was convicted of criminal  
2 offenses involving the consumption of alcoholic beverages, as set forth in paragraph 8 above.

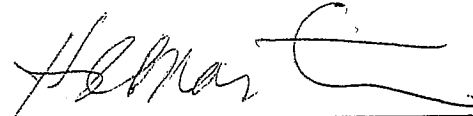
3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the California Board of Occupational Therapy issue a decision:

6 1. Denying the application of Anjuli Dillon Kelley, also known as Anjuli D. Kelley, for  
7 an occupational therapist license;

8 2. Taking such other and further action as deemed necessary and proper.

9  
10 DATED: January 27, 2010

  
HEATHER MARTIN

Executive Officer

California Board of Occupational Therapy

Department of Consumer Affairs

State of California

Complainant

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